

## REMARKS

Claims 3, 5, 13, 16, 18, 21-23, 25, 26 and 30-35 are pending in the present application.

All claims are currently rejected.

### Initial Comments

The representation of surfactant concentration in the art is typically reported as either percent of monomer or percent of water. The art cited uses both and care must be taken to insure that the proper basis for percent surfactant is recognized.

### Rejections under 35 U.S.C. 103(a)

Claims 3-5 and 13-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi et al. (USP 5,525,670) in view of "Polymer Chemistry" by Raymond B. Seymour et al., second edition, pages 337-339.

Nishi et al. is cited as teaching the invention except for the concentration of surfactant below twice its critical micelle concentration.

Seymour is cited as teaching surfactant concentration below twice CMC. Applicant respectfully disagrees with this position. Seymour teaches surfactant concentrations of sodium stearate which are approximately 5 grams of surfactant for 180 grams of water which is about 2.78%, by weight, versus the water. Based on the CMC of sodium stearate of about 0.024 g/100 g of water the concentration taught in Seymour is at least 100 times the CMC. Therefore, Seymour clearly teaches a much higher concentration than set forth in the pending claims.

Nishi et al. and Seymour et al., taken together, fail to teach the present invention. Withdrawal of the rejection of claims 3, 5, 13, 16, 18, 21-23, 25, 26 and 30-35 as being unpatentable over Nishi et al. in view of "Polymer Chemistry" by Raymond B. Seymour et al., second edition, pages 337-339 is respectfully requested.

Claims 3-5 and 13-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obayashi et al. (USP 6,048,924).

Obayashi teaches using 300 parts monomer, 6 parts surfactant and 450 parts of water. The surfactant concentration is therefore about 1.3 wt%, based on water, and about 2 wt%, based on monomer. The CMC for Hitenol HS-10 is about 0.01wt% and the CMC for Hitenol HS-8 is about 0.08-0.11 wt% both in water. Therefore, Obayashi teaches over 13 times the CMC using Hitenol N-08 and about 130 times CMC using Hitenol HS-10.

Applicants respectfully submit that Obayashi teaches against a surfactant level which is below twice the CMC and that the rejection is therefore improper.

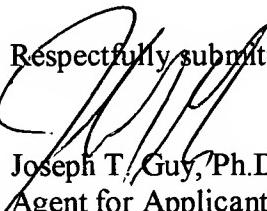
Applicants respectfully request that the rejection of claims 3, 5, 13, 16, 18, 21-23, 25, 26 and 30-35 as being unpatentable over Obayashi et al. be withdrawn.

## CONCLUSIONS

Claims 3, 5, 13, 16, 18, 21-23, 25, 26 and 30-35 are pending in the present application.

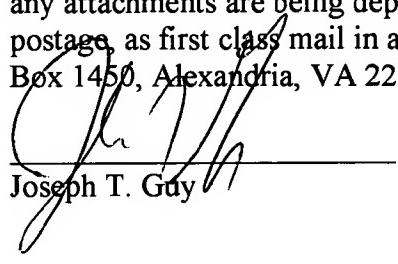
All claims are believed to be in condition for allowance. A notice of allowance is respectfully requested.

Respectfully submitted,

  
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March 4, 2004

**Certificate Of Mailing Under 37 C.F.R. § 1.8(a)** I hereby certify that this correspondence and any attachments are being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 4, 2004.

  
Joseph T. Guy